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Paper No. 10

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**JUL 16 2003**

In re Application of :  
Mawaheb M. El-Naggar, et al. :  
Application No. 09/943,048 :  
Filed: August 30, 2001 :  
Attorney Docket No. N/A :

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed June 30, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 10, 2002, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 11, 2002.

A review of the record indicates that the Petition fee was inadvertently charged twice. Therefore, a refund of \$650 for the petition fee will be credited to petitioner's credit card account.

Accordingly, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). The \$380 extensions of time submitted with the petition on June 30, 2003 and July 1, 2003 were subsequent to the maximum extendable period for reply, the fees are unnecessary and will be credited to petitioner's credit card account.

The statement claiming small entity status in accordance with 37 CFR 1.27 embodied in the petition under 37 CFR 1.137(b) has been made of record and small entity status has been accorded.

The Change of Correspondence Address has been accepted and recorded.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-5594.

The application file is being forwarded to Technology Center 1600, Art Unit 1614 for further processing.

A handwritten signature in cursive script that reads "Retta Williams".

Retta Williams  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy